

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY  
DOCUMENT  
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UNITED STATES OF AMERICA,

-v-

FLORENTINO NOEL SANTOS,

Defendant.

17-CR-388 (KMW)

ORDER

KIMBA M. WOOD, United States District Judge:

On September 18, 2018, Florentino Noel Santos was sentenced principally to a term of imprisonment of 168 months. (J. at 2, ECF No. 123.) On December 11, 2023, Santos filed a motion for a reduction in his sentence pursuant to 18 U.S.C. § 3582(c)(2). (Def.’s Mot., ECF No. 158.)

Pursuant to Section 3582(c)(2), a court may reduce a defendant’s term of imprisonment “in the case of a defendant who has been sentenced to a term of imprisonment based on a sentencing range that has subsequently been lowered by the Sentencing Commission . . . after considering the [Section 3553(a) factors,] if such a reduction is consistent with applicable policy statements issued by the Sentencing Commission.” 18 U.S.C. § 3582(c)(2).

Effective November 1, 2023, in its Amendment 821, the United States Sentencing Commission (“Sentencing Commission”) amended the United States Sentencing Guidelines Manual. Part A amends Guidelines § 4A1.1, by reducing from two (2) points to one (1) point the upward adjustment for offenders who committed the instant offense while under any criminal sentence, and by limiting this adjustment to defendants who received seven (7) or more criminal

history points. Part B amends Guidelines § 4C1.1, by providing a 2-level offense level reduction for offenders with zero (0) criminal history points who meet specified eligibility criteria.

On January 16, 2024, the United States Probation Department (“Probation”) issued a report stating that Santos is ineligible for a reduction in his sentence pursuant to Amendment 821. (Suppl. Presentence Investigation Report at 2, ECF No. 159.)<sup>1</sup> Probation determined that Santos is ineligible for a sentence reduction pursuant to Amendment 821 **Part A** because Santos did not receive an enhancement for committing the instant offense while under any criminal sentence. (*Id.*) Santos is ineligible for a reduction in his sentence pursuant to Amendment 821 **Part B** because Part B reductions are available only to defendants who received zero criminal history points. (*Id.* at 2, 11.)

The Court has considered the record in this case, and it is hereby ORDERED that Santos is ineligible for a reduction in his sentence for the reasons stated in Probation’s report, and his motion is denied.

SO ORDERED.

/s/ Kimba M. Wood  
KIMBA M. WOOD  
United States District Judge

Dated: February 28, 2024  
New York, New York

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<sup>1</sup> The page numbers in each citation to the Supplemental Presentence Investigation Report reflect the ECF page numbers found at the top of the document.